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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION


MORRIS POLLARD,)	
)	
Plaintiff,)	
)	
vs.)	No. 04 C 7946
)	
UNIVERSITY OF CHICAGO,)	
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

Defendant moves for summary judgment. That motion is denied.

Defendant contends that plaintiff can only speculate that a bollard in the plaza where he was walking caused his fall. We disagree. Plaintiff has testified that it was dark and he did not see what he collided with. His lower extremities collided with what he thought, from the impact, was a concrete post. William Wolter, who was walking ahead of Pollard, heard plastic breaking, turned back and found plaintiff lying next to a bollard. The bollards in the plaza are about waist high.

Plaintiff, an invitee, was walking on a pedestrian plaza. A reasonable jury could conclude that because of poor lighting conditions plaintiff did not see and collided with a fixed object in the plaza, most likely a bollard. And that is enough to doom the summary judgment motion.


JAMES B. MORAN
Senior Judge, U. S. District Court

Dec. 23, 2005.